

### 14.1 Introduction

A split precinct is one where not all voters are voting for the same set of offices. Split precincts arise when the boundary lines adopted by the General Assembly – i.e. the House of Delegates, State Senate, and/or congressional district lines – do not coincide with election district lines adopted by the locality. Usually this occurs when, during the flurry of post-census redistricting, the General Assembly does its work using existing boundary lines while the local government body is preparing to abandon those lines and adopt new ones. Sometimes it occurs when the General Assembly creates new boundary lines in order to meet its “one person one vote” redistricting mandate. It can also occur when a boundary change between two localities (including an annexation) crosses over a House of Delegates, State Senate or congressional district line.

A split precinct may also occur when a town is part of a larger precinct and a town election is being held simultaneously with a county election or when a town that is situated in two counties moves its election to November. Split town elections must have the town race(s) on each county’s ballot, and even a precinct entirely within the borders of the town must have ballots available without town elections, for voters who have moved out of the town.<sup>1</sup>

In a November election, for a town split between two counties, the electoral board in which the lesser part of the town is located must report the results of the town election to the electoral board of the county in which the greater part of the town is located so that it may declare the winner(s) and prepare the appropriate Certificate(s) of Election. Split precincts are to be avoided whenever possible. They can cause great confusion in the registrar’s office and at the polls and often result in some voters receiving the wrong ballot. However, in many cases they are unavoidable. This chapter provides information on how to manage split precincts and minimize the problems they create. It also provides some guidelines for avoiding splits or eliminating them.

Two rules of thumb may be helpful for those dealing with split precincts for the first time:

- (1) Throughout the election process, visualize a split precinct as if it were actually two (or more) precincts operating in the same polling place, *i.e.* think in terms of split precinct segments.
- (2) Remember that a split precinct may not always operate as a split precinct. If the locality is wholly within one congressional district, then there will be no split precincts during regular even-year elections as the General Assembly elections are held in odd numbered years.

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<sup>1</sup> Updated July 2009



Most of the discussion in this chapter makes the following assumptions:

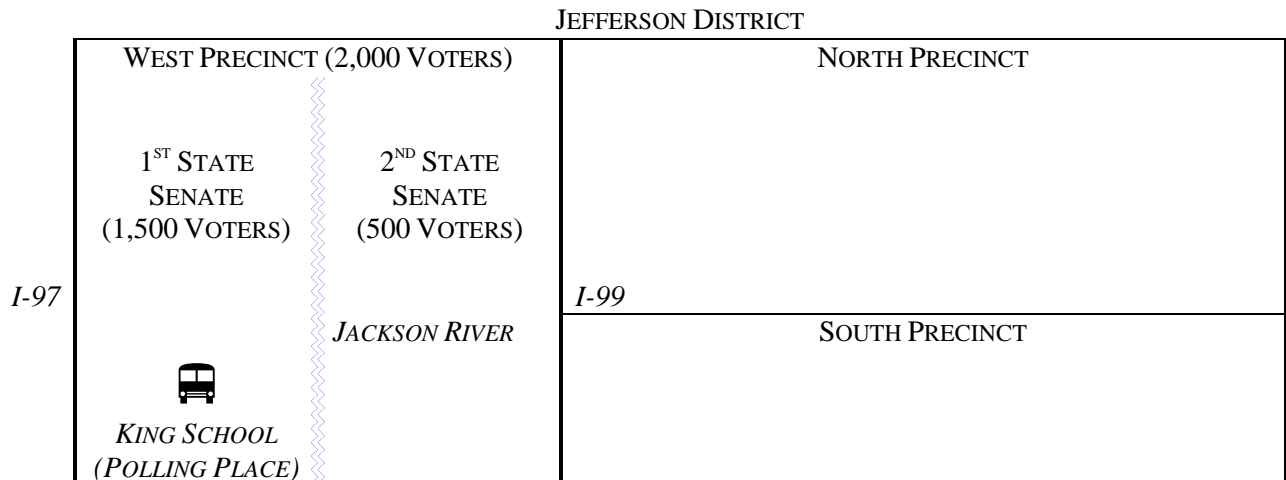
- The split precinct(s) are split two ways. In actuality, a precinct may be split three or four ways. If so, just double or triple the formula used below!
- The precinct uses direct recording electronic (DRE) equipment. Directions for polling place operations will differ if use multiple equipment types are used. Adjust these instructions accordingly.

## 14.2 A Sample Split Precinct

Registrars and electoral board members who have not dealt before with split precincts often have a difficult time visualizing what is happening in a split precinct. To help “bring to life” the processes and tactics needed to work with split precincts, here is a hypothetical split precinct situation:



### Example Split Precinct



Example: A county elects one member of the board of supervisors from the Jefferson District. The Jefferson District includes the South, North, and West precincts. Prior to redistricting, the West Precinct had 1,500 registered voters and ranged from Interstate 97 to the Jackson River. In the 2001 redistricting process, the board of supervisors wanted to equalize precinct sizes. They did this by expanding the size of the West Precinct (and decreasing the size of the other districts). The new precinct ranges from I-97 to Interstate 99. The new part of the West Precinct – that area between the Jackson River and I-99 – has 500 registered voters. The new West Precinct now has 2,000 voters.

Prior to redistricting, the 2nd State Senate district’s western border was I-97. But the General Assembly (also in order to equalize district sizes) moved the boundary line between the 1st and 2nd State Senate districts. The new line runs along the Jackson River (the old West Precinct boundary line).

The polling place for the West Precinct remains at the King School.

The new West Precinct is now a split precinct. Of its 2,000 voters in the precinct, 1,500 reside in the 1st State Senate district and 500 reside in the 2nd State Senate district. There is, of course, only one polling place, because the Code only permits one polling place per precinct. (§[24.2-307](#))

### **14.3 In the Registrar and Electoral Board Offices**

There are certain issues and tasks concerning split precincts that Registrars and Electoral Board Members need to address before Election Day. They are:

- Registrars must enter precinct changes into VERIS;
- Registrars must properly notify voters of changes at least 15 days before an election and secure necessary approval(s) for emergency relocations with notice to candidates and voters appropriate to the circumstances (§ [24.2-306](#), [24.2-310](#))<sup>2</sup>;
- Registrars must properly inform voters of their new district;
- The electoral board must properly order ballots; and
- Registrars and electoral board members must work closely together in preparing the training for split precinct officers of election (see Sections 14.4 and 14.4.1). Precise instructions and training are essential to ensure that the split precinct voters receive the proper ballot.

These items are discussed below.

#### **14.3.1 Notifying Voters of Changes**

After redistricting has been completed, all active voters affected by any change in their polling place, precinct, local election district, or house, senate or congressional district must be mailed a new voter card at least 15 days before the next election in which the voters will be voting for the affected offices or in the affected precincts or polling places. (§[24.2-306](#); also see definition of "registered voter" in §[24.2-101](#)). Only active voters with changes are required be notified. The locality may choose to send voter cards to inactive voters with changes and to other voters who did not have changes. The cost to localities of mailing voter cards can be significant and USPS may deny nonprofit rates. Notify SBE as soon as it is anticipated that the locality will need a larger than normal quantity of voter cards. This will ensure that stock is sufficient.

See Chapter 25 (section 25.2-7-1) for instructions on processing redistricting changes to voter records in VERIS. See Chapter 13 (section 13.2.4) for more information on production of voter cards for precinct changes or redistricting.

In our hypothetical precinct, the registrar must notify all active voters in West Precinct. In addition, the registrar must: notify all voters to the west of Jackson River that they are now in State Senate district 1, notify all voters to the east of Jackson River that they are

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<sup>2</sup> See Chapters 13 and 27 for details.

now in the West Precinct and have a new polling place (King School). A new voter card will be generated for the locality to mail to each affected voter. (See Chapter 7.)

Registrars should consider including an insert with the mailed voter card. The insert can alert voters to changes in their polling place or representation and provide a brief explanation of why the change was made. If thousands of voter cards are involved, the insert should be a generic explanation. If the number of new voter cards is small, it may be feasible to customize the insert to fit the voter's new information. Voters may be encouraged to review their ballot choices to verify they have the correct ballot.

### **14.3.2 Verifying Information for Voters**

Voters often overlook or have difficulty understanding the information on new voter cards. As a result, voter calls to registrars' offices can be expected to increase significantly in the year or two after a major redistricting. If the locality has new split precincts, supplementary training should be provided to all office personnel who may handle "customer service" calls and inquiries from voters. Train staff not to rely on their own memory or knowledge about which precincts are in which districts. Train staff to confirm the correct precinct in VERIS before responding to a voter's request for information."

### **14.3.3 Ordering Ballots**

Ordering both ballots used for absentee voting and voting equipment will take some extra work where split precincts are involved. Creating a table or spreadsheet may be the most efficient way to accomplish this. A computer generated or hand-drawn spreadsheet may be used.

On the spreadsheet, list the following for each precinct or split precinct segment:

- the name or number of each precinct (where there is a split precinct, list each segment of the precinct as if it were a precinct unto itself);
- the number of registered voters;
- all the districts to which each belongs;
- the number of machines needed;
- the number of ballots needed for emergency, provisional and curbside voting; and
- the number of absentee ballots needed – based on whatever formula the locality uses for projecting absentee ballot needs. (When there have been major changes to precincts after redistricting, it is probably best to use a locality-wide percentage projection for absentee ballots rather than try to determine historical usage for individual areas.)

In our hypothetical county, a spreadsheet would look something like this:

Precinct/ Segment	Election District	House District	Senate District	Cong District	Registered Voters	Machines Needed*	At Polls Ballots	Absentee Ballots**
South	South	20	2	5	2,000	3	200	40
North	North	20	2	5	500	1	50	10
West – 1st	West	20	1	5	1,500	2	150	30
West – 2nd	West	20	2	5	500	1	50	10

\* In this example, only DRE-type machines are being used.


\*\* In this example, the locality has estimated that absentee voters will number about two percent in each precinct.

Using a spreadsheet such as this should suffice for the voting equipment vendor to determine the machine and, if used, paper ballots that need to be printed.


#### 14.3.4 Giving Absentee Voters the Proper Ballots

Ensuring that voters receive the proper ballot in localities with multiple split precincts and multiple ballot styles is one of the most challenging tasks in the registrar's office. Keep in mind that a voter given a wrong ballot will most likely not notice the mistake and that in a close election, a few erroneous ballots could affect the outcome – as well as make for a very embarrassing recount or a potential contest!

Some registrars/electoral boards prepare and store absentee ballots by ballot style. Where there are few ballot styles and no split precincts, this usually works well. But when there are many ballot styles and split precincts, it is much safer to prepare and separate absentee ballots by precinct and split precinct segments. The suggestions below should safeguard election officials and staff from providing erroneous ballots:

- When preparing ballots or ballot sets (where the ballot involves more than one piece of paper), make sure that the preparer works on only one precinct or precinct segment at a time. Spot-check his/her work.
-  The registrants' district information is printed on VERIS AB labels.
- Heavily label the file drawer or envelope in which the prepared ballots are kept for each precinct or precinct segment.
- Provide extra training to all personnel who will be handling absentee ballots – making sure that they check and recheck the information on the voter record before selecting the appropriate absentee ballot.
- If the absentee voter is voting in person, recheck the ballot (or ballot set) once the voter has opened the envelope. Ask the voter to show the unmarked ballot in order to verify that the voter received the correct ballot.

- It is helpful to have a reference sheet listing the split precincts at the counter where ballots are given to in-person voters and at the table where mail ballots are prepared for sending. This will provide yet another reminder to be careful!

 When enclosing ballots in “Ballot Within” envelopes, it is helpful to label the outside of the “Ballot Within” envelope with a code that clearly shows which ballot style is within. (This is just another safety check to ensure the voter receives the correct ballot.) This could be a precinct code plus, if it is a split precinct, a code for the precinct segment. In the event a voter is concerned the marks are a device for tracking his/her particular ballot, eliminating ballot secrecy, explain that the “Ballot Within” envelope is discarded before the ballot is returned to the registrar’s office.

## **14.4 At the Polling Place**

Electoral boards must train officers assigned to a split precinct how it operates and then set up the polling place for efficient conduct of the election.

### **14.4.1 Training Officers**

Pre-election training sessions should include a special “class” for officers working in split precincts. It is important that these officers completely understand the concept and functions of a split precinct.

Officers should be familiar with the geography of the split precinct. Which voters are voting in which election? While the voters’ names will be on separate lists, it is still helpful for the officers of election to know what areas, neighborhoods, and subdivisions of the precinct are in the different segments of the split. This will be helpful in explaining to many voters who ask why they can only vote on certain machines or ballots.

Officers should understand the sign-in process, the use of separate entry slips, how to handle voters who are in the wrong line, when to call the registrar’s office, etc. It should be emphasized that a split does not affect how the pollbook will be marked.

Finally, split precinct officer must understand how to complete the Statements of Results (SOR); two Statements must be completed for each precinct split.

(Suggestion: Help officers of election distinguish the difference between a pollbook split and a precinct split. Registrars and electoral board members use these terms on a day-to-day basis. Officers may be hearing them for the first time.)

### **14.4.2 Polling Place Operations**

For a split precinct, the layout and staffing of the polling place are of prime concern. If people can visualize the facility as two polling places, then half the battle is won. (If the precinct is split three or four ways, it can be visualized as three or four separate polling places.) Keep in mind that separate pollbooks will exist for each split unless the split is

due to town elections held at the same time as other elections, in precincts that include non-town voters. In this case, a town code will be printed on the pollbook to indicate the voters who are registered in the town.

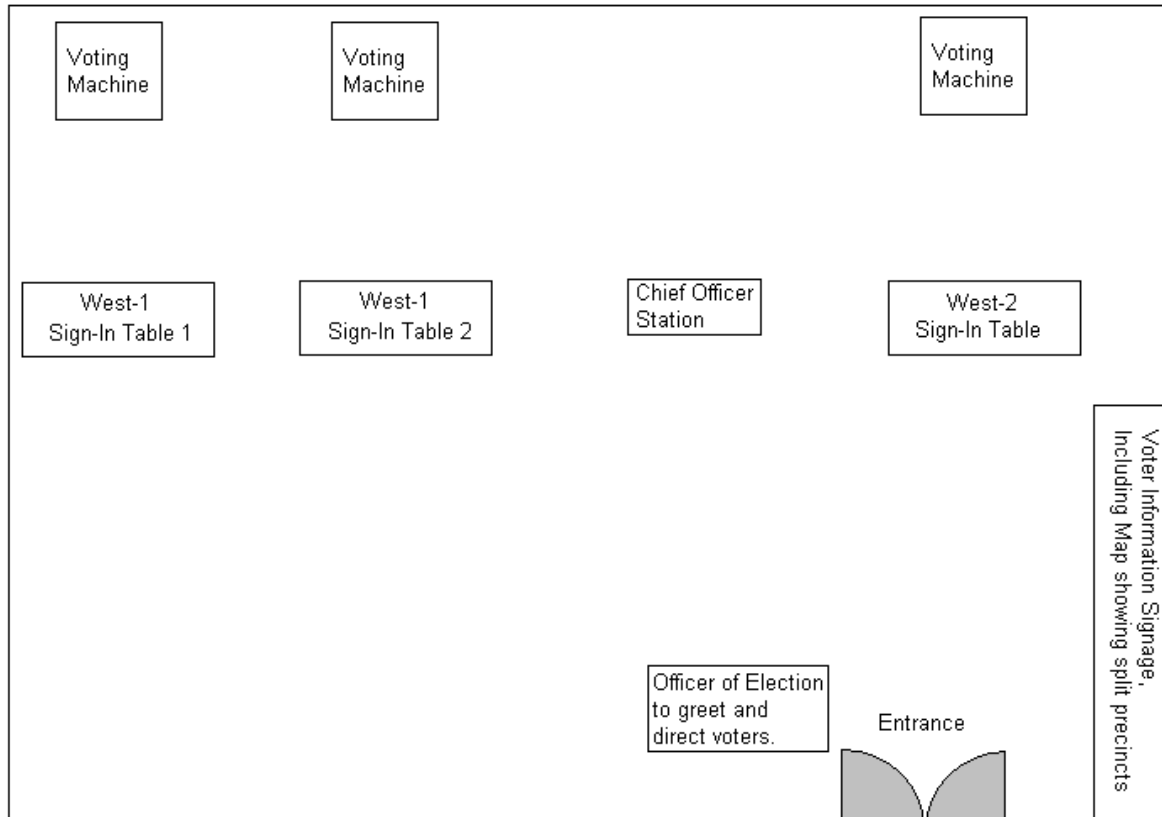
As much as space will allow, operations of each part of the split should be kept separate. Visual cues are helpful and should be used whenever possible. In our hypothetical precinct, the West Precinct - 1st State Senate District is on the west – or left – side of the map. The left side of the room would be set up for this segment of the split (voters on the left side of the map go to the left side of the room).

Inside the room tables are set up for each respective split segment as far apart from each other as possible. In our hypothetical precinct, “West-1” is larger and has two alpha splits, so it will need two check-in tables. “West-2” only needs one table. It is helpful to post alpha signs for “West-1” and “West-2,” a large map showing the areas covered by each segment and a sign saying something like “If you live [here], vote here.”

There are two machines for voters in “West-1.” These machines should be placed in close proximity to the West-1 check-in tables. Likewise, the one machine for West-2 voters should be placed near its respective check-in table. The West-1 machines should be placed as far away as possible from the West-2 machine! It helps to place a small sign on the front of each machine showing whether it is a machine for the 1st District or 2nd District.

Entry slips must be prepared for voters. Color-coding, a stamp or print of the district designation to indicate which segment of the split precinct will be using them – can help prevent confusion.

If possible, the chief officer should be stationed between the two parts of the room so that he/she can observe the conduct of the election in both segments.



### 14.4.3 Political Party and Candidate Representatives

The chief officer or their designee will need to explain to party/candidate representatives how the split precinct operates. To the extent possible, representatives should be allowed to determine which segment to observe or to sit in the middle so that they can observe both segments of the precinct.

For a general election, the Code permits observation of the conduct of the election by one authorized representative for each party or independent candidate for each section of the pollbook up to a maximum of three for any party or independent candidate. (§[24.2-604](#)) In our hypothetical precinct, there are two sections of the pollbook for “West-1” and one for “West-2.” Therefore, three representatives should be allowed for each independent candidate or party. The officers of election, at their discretion, can allow up to a maximum of three authorized representatives for each candidate on the ballot or party in a general or special election, or up to three authorized representatives of each candidate on the ballot in a primary election, whether or not the pollbook is divided into sections.

### 14.4.4 Conducting the Election

An officer of election should remain at or near the entrance to the voting room, greet voters, and direct them to the correct table(s), *i.e.* the correct split precinct segment. This officer should have, at minimum, a large detailed map of the split precinct segments. A list of street names, house number ranges, respective district designations, and a full



alphabetical roster for the precinct showing the district representation of each registered voter are all helpful. (The registrar has access to a complete alphabetical roster electronic data for the locality and can produce an alpha list for individual precincts.) Using these aids, the greeter should be able to send voters to the proper side of the room.

After the voter has been checked in on the pollbook, the officer of election should give them an entry slip that clearly shows which machine type or ballot style to use ([see](#) above).

Follow these steps if a voter cannot be found on the pollbook:

- Inform the chief officer or his/her designee.
- This officer should try to determine if the voter is in the wrong segment of the split precinct. It may be helpful to supply the chief officer with a complete alphabetical roster for the entire precinct to use in making this determination.
- If the officer finds that the voter is properly on the pollbook for the other segment of the precinct, the voter should be directed to the front of the line at the appropriate table in the other precinct segment.
- If the voter cannot be found in any segment of the precinct, normal procedures to determine registration status or vote provisionally are followed. .

Finally, the voting equipment/machine officer must allow only those voters with the proper color or properly coded entry slip to use his/her machine.

Most optical scan ballots do not need separate counters for each precinct segment. Only the Premier AccuVote System requires a separate scanner for each congressional split.<sup>3</sup> The machine technician should have programmed the counter to accept and properly tabulate multiple ballot styles.

#### **14.4.5 Ascertaining the Results**

After the polls close, the officers of election should go about their closing/ascertainment routine as if there were two separate precincts. Two Statements of Results (SORs) must be completed for each precinct segment.

The Statement of Results (SOR) should be labeled to identify the precinct segment it covers. In our hypothetical precinct, there will be a total of four SORs: two for “West-1” and two for “West-2.” Everything entered on the Statement should apply only to the precinct segment it covers. Particular care is required to enter the “number of voters voting” only for the relevant segment.

There is no need to separate each segment into separate envelopes for packing election materials for return to the clerk of court or registrar. However, all sensitive materials (materials that will be needed by the electoral board during the canvass or materials that might be needed in a recount or contest) should be separately banded and bundled according to split precinct segments. Each bundle should be labeled with a piece of paper

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<sup>3</sup> Added July 2009

noting the appropriate precinct segment before the bundles are placed in the appropriate envelope. There is no need to bundle separately items that are not germane to a canvass, recount or contest, such as the Code book, officer of election buttons/badges and the like.

- ❖ If it seems easier, a separate set of envelopes may be used for each precinct segment, then do it. However, the registrar is responsible for ordering a sufficient supply of extra envelopes that are a local cost.

#### **14.4.6 Reporting Results to the Registrar or Electoral Board Office**

Localities that assemble their unofficial results on election night by calling them in to a central office, must agree in advance on whether to report results by split precinct segment or by aggregating the segments in order to provide results for the complete precinct. The registrar or electoral board member should, when reporting to the media, report the aggregated results for the entire precinct. Reporting by split precinct segment will only confuse the media representatives.

### **14.5 Avoiding Split Precincts**

This section discusses ways to avoid split precincts or get rid of splits. Sometimes they are simply unavoidable.

#### **14.5.1 Let the General Assembly Finish Its Redistricting Work before Localities Begin Their Redistricting**

Localities that have local elections from districts in November of a redistricting year, i.e. 2011, 2021, etc., must complete their work and unless bailed out, have their new districts precleared in time for use in the November elections. The election calendar and redistricting time clock make it necessary for these localities to do their work at the same time the General Assembly is doing its work. In contrast, localities that do not elect local offices from districts in November of a redistricting year should be able to wait and run their November redistricting year general elections using “old” precinct lines that the General Assembly normally use for its redistricting; these localities have until December 31<sup>st</sup> of the redistricting year to complete redistricting local office districts. (§[24.2-304.1](#))

All localities should monitor the General Assembly’s work by contacting the [Division of Legislative Services](#). Advance knowledge of the General Assembly’s plans can help develop plans to draw local lines that coincide with the state legislative district lines (see Chapter 25).

#### **14.5.2 “Fixing” Split Precincts the Following Year**

The Code and accepted practice allow for adjustments in lines following the decennial redistricting for the express purpose of making local lines coincide with state legislative or congressional lines. (§[24.2-304.1](#)) The General Assembly in considering such changes takes into account the population and composition of all affected districts to

assure conformity with the standards used for the decennial redistricting process. Legislators will also consider whether all elected officials whose districts are affected by the requested change have agreed to it (including any affected members of Congress, if congressional lines are to be changed). Localities seeking adjustments need to work with the Division of Legislative Services and with their Delegates and Senators. SBE's Policy Division can facilitate those communications. In some cases, localities may be able to eliminate splits by changing local precinct lines through local ordinance. In others, localities may successfully request the General Assembly to adjust some lines to coincide with new precinct and/or local district lines. Unless bailed out, all adjustments must be precleared. (See Chapter 24.)

These same strategies can be employed when a split precinct has been created by a boundary change or settlement between localities, an annexation (towns can annex; cities are currently prohibited from doing so), the creation of a new town or the reversion of a city to town status. The decennial district lines must be followed for General Assembly and congressional elections until the appropriate legislative body enacts changes to align the new jurisdictional lines and those new district lines are pre-cleared if applicable.<sup>4</sup>

### **14.5.3 Creating New Precincts**

When the methods discussed above simply do not work, localities may wish to create new precincts out of their split precinct segments. This will probably add some expense in terms of number of election officials, machines, etc. but it is often preferable to with the operational complexity of split precincts.

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<sup>4</sup> State enacted changes to local district lines must always be precleared but adjustments by local ordinance may not require preclearance if the locality has bailed out.